

Sec. 3. [116C.73] **NONMINNESOTA RADIOACTIVE WASTES.** Notwithstanding any provision of Minnesota Statutes, Chapter 116H, to the contrary, no person shall transport radioactive wastes into the state of Minnesota for the purpose of disposal by burial in soil or permanent storage within Minnesota unless expressly authorized by the Minnesota legislature, except that radioactive wastes may be transported into the state for temporary storage in accordance with applicable federal and state law for up to 12 months pending transportation out of the state.

Sec. 4. [116C.74] **PENALTIES.** Any person who violates section 2 or who causes radioactive wastes to be shipped in violation of section 3 shall be guilty of a gross misdemeanor and subject to a fine of not more than \$10,000 or a sentence of imprisonment of not more than one year, or both.

Sec. 5. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved June 2, 1977.

CHAPTER 417—H.F.No.1226

An act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2, 4 and 5; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 473.605, Subdivision 1, is amended to read:

473.605 METROPOLITAN AIRPORTS; ORGANIZATION; CORPORATE SEAL; BYLAWS. Subdivision 1. The commissioners shall ~~at the organization meeting of the corporation~~ adopt a corporate seal and shall adopt bylaws for the regulation of the affairs of the corporation and rules of procedure governing their actions, not inconsistent with law. The bylaws shall provide for regular meetings of the corporation to be held at least once in each month; and for special meetings ~~to be held as provided for in said bylaws.~~

Sec. 2. Minnesota Statutes 1976, Section 473.605, Subdivision 2, is amended to read:

Subd. 2. Each commission member shall be paid a per diem compensation of ~~\$35~~ **\$50** for each meeting ~~and for such other services as are specifically authorized by of the commission, and one of its committees, and attendance and participation at a meeting or~~

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hearing as a representative of the commission pursuant to state law or rule. Members shall be reimbursed for all actual and necessary expenses incurred in the performance of his their duties in the same manner and amount as state employees. The chairman shall receive such compensation as determined by the commission shall determine and shall be reimbursed for reasonable expenses to the same extent as a member. The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation.

Sec. 3. Minnesota Statutes 1976, Section 473.606, Subdivision 1, is amended to read:

473.606 **OFFICERS.** Subdivision 1. The corporation shall at its organization meeting elect from its membership a vice-chairman to serve as such for a period of one year from the first meeting of the corporation; and shall also elect a secretary, who may or may not be one of the commissioners. ~~He~~ The vice-chairman and the secretary shall hold office at the pleasure of the corporation, and ~~shall the secretary,~~ if not a commissioner, shall receive such compensation as ~~may be fixed~~ determined by the corporation. The state treasurer shall be the treasurer of the corporation, ex officio.

Sec. 4. Minnesota Statutes 1976, Section 473.606, Subdivision 4, is amended to read:

Subd. 4. The corporation shall; ~~as soon after the organization meeting as is practical;~~ appoint an executive director, who shall be the executive and operating officer of the corporation, shall serve at the pleasure of the corporation, and shall receive such compensation as ~~may be fixed~~ determined by it. He shall have had experience as a business executive, preferably in connection with aviation and in the promotion of business enterprises. Under the supervision of the corporation, he shall be responsible for the operation, management, and promotion of all activities with which the corporation is charged, together with ~~such~~ other duties as ~~may be~~ prescribed by the corporation. He shall have ~~such the~~ powers as are necessarily incident to the performance of his duties and ~~such others as may be those other powers~~ granted by the corporation, but ~~without shall not have~~ authority to incur liability or make expenditures on behalf of the corporation without general or specific directions by the corporation, as shown by the bylaws or minutes of a meeting thereof.

Sec. 5. Minnesota Statutes 1976, Section 473.608, Subdivision 1, is amended to read:

473.608 **POWERS OF CORPORATION.** Subdivision 1. The corporation, subject to the conditions and limitations ~~herein~~ prescribed by law, shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and perform the duties prescribed by sections 473.601 to 473.679, including but not limited to those hereinafter specified; ~~which shall not be construed as a limitation upon the general or any other specific powers hereby conferred.~~ These powers, except as limited by section 473.622, may be exercised at any place within 35 miles of the city hall of either Minneapolis or St. Paul, and in the metropolitan area.

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Sec. 6. Minnesota Statutes 1976, Section 473.608, Subdivision 15, is amended to read:

Subd. 15. Without limitation upon any other powers in sections 473.601 to 473.679, ~~granted, whether general or special;~~ it may contract with any person for the use by ~~such~~ the person of any property and facilities under its control, for such purposes, and to ~~such~~ an extent as will, in the opinion of the commissioners, further the interests of aeronautics in this state and particularly within the metropolitan area, including, but ~~without limitation not limited to,~~ the right to lease ~~any such~~ property or facilities, or any part thereof, for a term not to exceed 99 years, to any person, the national government, or any foreign government, or any department of either, or to the state or any municipality; ~~provided, however, that said.~~ The corporation shall not have the authority to lease, in its entirety, any municipal airport taken over by it under the provisions of ~~this act sections 473.601 to 473.679.~~ Without intending hereby to limit the generality of the purposes aforementioned; it The commission may contract with any person for the use or lease in accordance with this subdivision of any property and facilities under its control; ~~or lease the same as aforementioned;~~ for motel, hotel and garage purposes, and for ~~such~~ other purposes as, in the opinion of the commissioners, are desirable to furnish goods, wares, services and accommodations to or for the passengers and other users of airports under the control of the corporation; ~~provided however that.~~ Nothing herein in this subdivision shall be interpreted to permit the sale of intoxicating liquor upon such the property or facilities except as authorized in chapter 340.

Sec. 7. Minnesota Statutes 1976, Section 473.608, Subdivision 17, is amended to read:

Subd. 17. (1) It may from time to time make, adopt and enforce ~~such~~ rules, regulations, and ordinances as it may find ~~expedient or necessary~~ for carrying into effect the purposes of ~~this act sections 473.601 to 473.679,~~ including those relating to the internal operation of the corporation and to the management and operation of airports ~~and the operation thereof~~ owned or operated by it, subject to the conditions and limitations ~~hereinafter~~ set forth in sections 473.601 to 473.679. Any person violating any such rule, regulation or ordinance shall be guilty of a misdemeanor.

(2) The prosecution may be in any municipal court sitting within either the city of Minneapolis or St. Paul, or before a municipal court or justice of the peace having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. The fines collected shall be paid into the treasury of the corporation; ~~provided, however, that.~~ The corporation shall pay and there shall be first deducted and paid over to the office of the clerk of any municipal court processing and prosecuting violations ~~such a~~ portion of ~~such the~~ fines as ~~shall be~~ necessary to cover all costs and disbursements incurred in the matter of the processing and prosecuting of ~~such the~~ violations in ~~such the~~ court. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of ~~such the~~ rules, regulations, and ordinances without pleading or proof of the same.

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(3) ~~As to A public hearing need not be held on~~ rules, regulations and ordinances relating to the internal operation of the commission or to the management ~~or operation of~~ airports ~~or operation thereof~~, owned or operated by it; unless ~~such the~~ rule, regulation or ordinance affects substantial rights ~~thereon~~, a ~~public hearing need not be held~~.

(4) ~~As to The corporation may adopt and put into effect without a hearing~~ all other rules, regulations or ordinances where deemed immediately necessary by the corporation, it ~~may adopt and put the same into effect~~; but it shall within 30 days thereafter hold a public hearing thereon, after giving at least 15 days notice ~~thereof~~ by publication in a appropriate legal newspaper in each of the cities of Minneapolis and St. Paul, newspapers of general circulation in the metropolitan area and by mailing a copy thereof ~~at least 15 days prior to the hearing~~ to all interested parties who have registered their names with the corporation for that purpose. ~~As to all such other~~ If the rules, regulations, or ordinances ~~which the corporation does are not deem deemed~~ immediately necessary, the corporation shall hold a public hearing thereon, ~~following the after~~ giving of ~~at least 15 days~~ notice thereof ~~by publication and mailing as aforesaid~~, and ~~such the~~ rules, regulations, or ordinances shall not be adopted and put into effect until after ~~said the~~ hearing.

(5) Notice of the adoption of rules, regulations and ordinances shall, as soon as possible after the adoption thereof, be published in a appropriate legal newspaper newspapers of general circulation in the metropolitan area ~~and~~. Proof of ~~such~~ publication shall be filed with the secretary of state, together with a copy of the rule, regulation, or ordinance, which shall thenceforth be in full force and effect.

(6) Any person substantially interested or affected in his rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for a reconsideration, amendment, modification, or waiver of ~~such the~~ rule, regulation or ordinance; ~~or for an amendment, modification or waiver thereof~~. Such The petition shall set forth a clear statement of the facts and grounds upon which reconsideration, amendment, modification or waiver is sought. The corporation shall grant the petitioner a public hearing within 30 days after the filing of ~~said the~~ petition.

Sec. 8. Minnesota Statutes 1976, Section 473.611, Subdivision 5, is amended to read:

Subd. 5. Any plans adopted by the commission ~~pursuant to this section for the~~ betterment and enlargement of existing airports, for the acquisition and construction of new airports, and for the categories of use of airports owned or controlled by the commission shall be consistent with the development guide of the metropolitan council.

Sec. 9. Minnesota Statutes 1976, Section 473.621, Subdivision 2, is amended to read:

Subd. 2. ~~Immediately following the adoption and filing of its permanent plan of operation~~; The corporation shall ~~and is hereby directed to take over have~~ the use, management, operation, regulation, policing, and control of any or all airports owned by either the city of Minneapolis or St. Paul, whether ~~said airports are then under the~~ management and control of, the airport or title thereto is held in the name of; the city

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itself, the council, a board of park commissioners, or any other body; Consent by each city, the council, the board of park commissioners, and any other agency, board, or department thereof; to ~~such~~ the use, management, operation, regulation, policing, and control to be ~~is~~ conclusively presumed to have been given by the appointment of ~~commissioners pursuant to the provisions of Laws 1943, Chapter 500. Authority is hereby~~ granted to the mayor and council of each city and any board or commission having jurisdiction of airports in either city to give ~~such~~ consent in that manner. ~~Immediately upon taking over the use, management, operation, regulation, policing, and control of any such airport or airports~~ The corporation may exercise all the powers ~~herein~~ granted to it with reference to any airport property over which it has jurisdiction pursuant to this subdivision, except the right of leasing or disposing of the fee title to the lands included therein, without the payment of any rental ~~therefor, from the date of such taking over.~~ The title to the fee of the land ~~included in each such airport~~ shall remain in the city, or agency, board, or department of ~~such~~ the city; ~~then owning it.~~ The action to be taken pursuant to the ~~provisions~~ of this subdivision is declared to be necessary in order to provide an integrated airports system and enable the corporation to carry out the public and governmental purposes of Laws 1943, Chapter 500. The corporation shall not close any existing airport in either city to air freight commerce consigned to or originating in ~~such~~ the city unless and until it provides for ~~such~~ the city; freight airport facilities which are, in the judgment of the corporation and except as they may be restricted by government use, ~~are~~ as substantially equal in convenience and safety to the businesses and industries of that city as ~~are~~ to the existing freight airport facilities ~~now available (except as the same may be restricted by governmental use) in safety and convenience to its businesses and industries of the city.~~ For the purpose of this subdivision only, the word "airport" shall include only the lands, buildings, and equipment acquired for use primarily for any ~~such~~ airport ~~so taken over as in which the corporation has jurisdiction pursuant to this subdivision provided.~~

Sec. 10. Minnesota Statutes 1976, Section 473.621, Subdivision 4, is amended to read:

Subd. 4. The corporation ~~shall further proceed, as soon as it is deemed advisable by the commissioners, and funds are available, to otherwise carry out the purposes of sections 473.604 to 473.679.~~ It may provide, in addition to airports existing at the time of the passage of Laws 1943, Chapter 500, at least one major or primary metropolitan airport which shall be as nearly equidistant from the city halls of both cities as possible. All other new airports to be constructed shall be so located that the airport system of the corporation as a whole shall be of substantially equal convenience to both cities. It shall put all airports and other facilities to their maximum use for passenger, mail, express, freight, and other air transportation operations as the needs therefor develop, and shall encourage the establishment of related aircraft industries.

Sec. 11. Minnesota Statutes 1976, Section 473.621, Subdivision 5, is amended to read:

Subd. 5. The investment of the cities of Minneapolis and St. Paul in the metropolitan airports system, from the date of the original enactment of this section to January 1, 1973, includes the land comprising airports owned by them and taken over

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pursuant to subdivision 2, and taxes levied on property within the cities in the years 1944 to 1969, the proceeds of which, together with revenues of the system and federal funds, were expended for the operation, administration, maintenance, improvement, and extension of the system and the service of debt incurred for such improvement and extension, including improvement of the city lands. The aggregate amount of such taxes was \$19,816,873, of which \$7,294,022 would have been assessed and extended against property outside the cities if the entire metropolitan area, which will be taxable by the corporation in 1974 and subsequent years under section 473.661, had been within its taxing jurisdiction when those levies were made. If it should become necessary for the corporation to levy any such taxes for any purpose other than the payment of bonds and interest, they shall be extended and assessed exclusively against taxable property outside the cities until the total amount so assessed and extended equals \$7,294,022, with interest from April 1, 1974, at the rate of six percent per annum on the unpaid balance. In the event that the airport land owned by either city should no longer be used for airport purposes, the corporation's control thereof shall cease, and title to the land and all improvements shall be and remain in the city, but the city shall become liable to the corporation for the repayment, without interest, of an amount of the taxes so paid which is proportionate to its own share of the cities' original investment, being 60 percent for Minneapolis and 40 percent for St. Paul. In the event that any other land or improvements owned or controlled by the corporation should ever cease to be used for airport purposes, all income therefrom and all proceeds received upon disposal thereof shall continue to be used for purposes of the metropolitan airports system, subject to federal laws and regulations governing such disposal; or if the operation of the system should ever be terminated, all such income and proceeds shall be distributed to the seven counties in the metropolitan area, in amounts proportionate to the assessed valuation of taxable property in each county at the time of such distribution.

Sec. 12. Minnesota Statutes 1976, Section 473.641, Subdivision 2, is amended to read:

Subd. 2. This section as thus amended so far as the holding of Except as provided in subdivision 1, public hearings is concerned shall operate not only prospectively, but retroactively so as to eliminate the necessity of public hearings, if any were or are not required under such section prior to this amendment, as to any and all pending or contemplated for alterations, improvements or developments, whether or not contracted for, of any airport under the jurisdiction of the corporation, including but not limited to the addition thereto of structures and facilities for use of or lease to others by the corporation; and all orders, resolutions, motions, plans, and agreements therefor are hereby declared valid and effective notwithstanding the absence of public hearings with respect thereto, if any were or are required under this section or under any judicial determination prior to this amendment.

Sec. 13. Minnesota Statutes 1976, Section 473.652, is amended to read:

473.652 CONSTRUCTION WORK. Subdivision 1. The provisions of section ~~445.15~~ 471.345, subject, however, to the provisions of subdivision 2 where applicable, shall apply to all construction work and every purchase of equipment, supplies, or materials necessary in carrying out the provisions of sections 473.601 to 473.679. ~~The powers there~~

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~~granted to and the duties imposed upon the board of trustees of the corporation there referred to are hereby respectively granted to and imposed upon the commissioners.~~

Subd. 2. ~~If~~ the executive director of the corporation with the written concurrence of the chairman or vice-chairman ~~may declare~~ declares that an emergency exists requiring immediate purchase of ~~any equipment or material or supplies~~ or the making of emergency repairs at a cost ~~in excess of \$2,000 but no more than \$5,000, and, in that event, it shall not be necessary to or if two-thirds of the members of the corporation declare that an emergency exists requiring immediate purchase of materials or supplies or the making of emergency repairs at a cost in excess of \$5,000, the corporation shall not be required to advertise for bids ; but such.~~ The materials, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or such the emergency repairs may be contracted for or performed without securing formal competitive bids.

Sec. 14. Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4, and 473.621, Subdivision 1, are repealed.

Approved June 2, 1977.

CHAPTER 418—H.F.No.1252

An act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 116.16, Subdivision 6, is amended to read:

Subd. 6. **STATE WATER POLLUTION CONTROL; FINANCING; PRIORITIES.** The rules of the agency shall provide that a high priority shall be given to applications from municipalities which because of limited tax base, excessive bonded indebtedness, or critical conditions of water pollution requiring agency action pursuant to law, would face extreme financial hardship without the assistance provided through the state water pollution control fund, and to applications from sanitary districts or for systems to be constructed to serve more than one municipality. The rules shall contain criteria relating to:

- (1) The extent and nature of pollution,
- (2) Per capita costs of the proposed projects,
- (3) Financial capability of the municipality,

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